

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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NANCY MINIX ENTERPRISES, LLC, et al.,

Plaintiffs,

v.

Case No. 10-CV-14499-DT

INTERNAL REVENUE SERVICE, et al.,

Defendant.

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**ORDER TERMINATING FEBRUARY 14, 2011, MOTION TO DISMISS AS MOOT AND  
SETTING BRIEFING DEADLINES ON MARCH 21, 2011, MOTION TO DISMISS**

On March 23, 2011, the court issued a scheduling order suspending all briefing deadlines while the parties pursued an amicable resolution to this matter. On June 1, 2011, the court conducted a telephonic status conference with counsel for all parties. During the conference, counsel informed the court that the parties have effectively reached an impasse, and the parties are ready to resume the litigation of the case. Currently pending are two motions to dismiss filed by the Internal Revenue Service (the "IRS"). The first motion was filed on February 14, 2011. After that motion was filed, Plaintiff filed an amended complaint. The IRS then filed a second motion to dismiss, aimed at the amended complaint, on March 21, 2011. During the court's June 1, 2011, telephone conference, the IRS confirmed that the original motion to dismiss is now moot, and the IRS intends to proceed with the second motion to dismiss. Accordingly,

IT IS ORDERED that the IRS's February 14, 2011, motion to dismiss [Dkt. # 17] is TERMINATED AS MOOT.

IT IS FURTHER ORDERED that Plaintiff shall file a response to the IRS's March 21, 2011, motion to dismiss [Dkt. # 22] by **June 20, 2011**. Any optional reply must be filed by **June 27, 2011**. Unless otherwise ordered, the court will not conduct a hearing on the motion.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: June 8, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 8, 2011, by electronic and/or ordinary mail.

S/Lisa G. Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522